

REMARKS

Claims 1 to 7, 9, 11, 12, and 15 to 22 have been canceled. New claim 23 has been presented. Independent claim 8 and dependent claims 10, 13, 14, and 23 are presented for consideration.

With regard to the double patenting rejection of paragraph 2 of the office action wherein claims 1 to 5 and 8 to 12 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 37 of copending Application No. 10/801,734, claims 1 to 5, 9, 11, and 12 have been canceled and the limitations of claims 15 and 16 have been included in independent claim 8 and dependent claim 10. In view of the cancellation of claims 1 to 5, 9, 11, and 12 and the amendments to claims 8 and 10, the withdrawal of the rejection of claims 8 and 10 based on the ground of nonstatutory obviousness-type double patenting is solicited.

Claim 8, as currently amended, defines a substantially odor free faced glass fiber building insulation assembly, comprising:

a resilient glass fiber insulation blanket having a density of about 1.6 pounds/ft³ or less; the glass fiber insulation blanket having a length of at least 46 inches, a width of at least 15 inches, and a thickness of at least 3 inches; the glass fiber insulation blanket having a first major surface and a second major surface that are each defined by the length and width of the glass fiber insulation blanket; the glass fiber insulation blanket being substantially odorless and comprising glass fibers bonded together at their points of intersection with a formaldehyde free acrylic thermosetting binder;

a facing formed by a kraft paper sheet material; the facing having a central field portion; the central field portion of the facing having an outer major surface and an inner major surface; and

an asphalt coating layer on the inner major surface of the central field portion of the facing that bonds the facing to the first major surface of the glass fiber insulation blanket; the asphalt coating layer containing a fungi growth-inhibiting agent and an odor-reducing additive in an amount sufficient to substantially eliminate odor that would otherwise be emitted by the asphalt coating layer without adversely affecting the adherent qualities of the asphalt coating layer; and

the kraft paper sheet material with the asphalt coating layer being fungi growth resistant.

In paragraph 5 of the office action, claims 8, 10, 13 and 14, as originally presented, were rejected under 35 U.S.C. 103 (a) as being unpatentable over Weinstein et al (US 2001/0030018 A1) in view of Gembala (US 2004/0166087 A1).

Weinstein et al discloses an insulation assembly comprising a resilient glass fiber insulation blanket having a facing formed by a kraft paper sheet material wherein a central field portion of the facing is bonded to the glass fiber insulation blanket. Weinstein et al fail to teach a building insulation assembly wherein: the glass fiber insulation blanket is substantially odorless and comprises glass fibers bonded together at their points of intersection with a formaldehyde free acrylic thermosetting binder; the asphalt coating layer bonding the facing to the insulation layer contains a fungi growth inhibiting agent; the asphalt coating layer bonding the facing to the insulation layer contains an odor-reducing additive in an amount sufficient to substantially eliminate odor that would otherwise be emitted by the asphalt coating layer without adversely affecting the adherent qualities of the asphalt coating layer; and the kraft paper sheet material with the asphalt coating layer is fungi growth-resistant.

In the specification of the subject patent application it is noted that in spite of the fact that odor-free, hot-mix asphalt compositions have been known at least since 1993, kraft paper faced glass fiber insulation assemblies have continued to be manufactured

and sold with asphalt coating layers that emit objectionable asphalt odors. The last two sentences in the "Background of the Invention" state: "When asked in the past about ways to improve kraft paper faced glass fiber insulation assemblies, professional installers have often cited two items: reduction in the asphalt odor and the elimination of asphalt build up on the knives that they use to cut the insulation assemblies. Yet, in spite of odor-free, hot-mix asphalt compositions that, as evidenced by U.S. patent no. 5,271,787, have been known at least since 1993, kraft paper facing materials and kraft paper faced glass fiber insulation assemblies have continued to be manufactured and sold with asphalt coating layers that emit objectionable asphalt odors."

While Gembala discloses the use of odor-reducing agents in asphalt mixtures used in roofing systems, Gembala fails to teach or suggest the use of odor-reducing agents in an asphalt mixture used to bond a kraft paper facing material to a glass fiber insulation blanket of a building insulation assembly let alone a building insulation assembly wherein the glass fiber insulation blanket is substantially odorless whereby the entire building insulation assembly is substantially odorless. In addition, Gembala fails to teach or suggest a building insulation assembly wherein: the asphalt coating layer bonding the facing to the insulation layer contains a fungi growth inhibiting agent; and the kraft paper facing material with the asphalt coating layer is fungi growth-resistant. Thus, Weinstein et al and Gembala when considered alone or together, fail to disclose or suggest the building insulation assembly of claim 8 and the claims depending therefrom.

In view of the amendments to claims 8, 10, 13, and 14 and for the reasons set forth above, the withdrawal of the rejection of claims 8, 10, 13, and 14 under 35 U.S.C. 103 (a) as being as being unpatentable over Weinstein et al in view of Gembala is requested and the allowance of claims 8, 10, 13 and 14 is solicited.

In paragraph 6 of the office action, claims 11 and 12 were rejected under 35 U.S.C. 103 (a) as being unpatentable over Weinstein et al and Gembala, as applied to claims 8 and 9 in paragraph 5 and further in view of Szwarc (USPN 2,496,566). Since the limitations of claims 11 and 12 are now included in amended independent claim 8 and dependent claims 10, 13 and 14, this rejection will be discussed below.

Szwarc teaches the use of an asphalt blend for coating kraft paper that contains a fungicide to give a film formed by the asphalt blend fungus proof properties and that makes a product coated with the blend waterproof.

As discussed in connection with the rejection of paragraph 5 of the office action, Gembala fails to teach or suggest the use of odor-reducing agents in an asphalt mixture used to bond a kraft paper facing material to a glass fiber insulation blanket of a building insulation assembly let alone a building insulation assembly wherein the glass fiber insulation blanket is substantially odorless whereby the entire building insulation assembly is substantially odorless. While Szwarc discloses the use of a fungicide in an asphalt mixture used to coat kraft paper, Szwarc fails to teach or suggest the use of both a fungicide and an odor-reducing agent in an asphalt mixture let alone an asphalt mixture used to bond a kraft paper facing material to a substantially odorless glass fiber insulation blanket of a building insulation assembly whereby the entire building insulation assembly is substantially odorless. Thus, Weinstein et al, Gembala, and Szwarc when considered alone or together, fail to disclose or suggest the building insulation assembly of claim 8 and the claims depending therefrom.

In view of the amendments to claims 8, 10, 13, and 14 and for the reasons set forth above, the allowance of claims 8, 10, 13 and 14 over Weinstein et al in view of Gembala and further in view of Szwarc is solicited.

In paragraph 7 of the office action, claims 15 to 18, 21, and 22 were rejected under 35 U.S.C. 103 (a) as being unpatentable over Weinstein et al and Gembala, as

applied to claim 8 in paragraph 5 and further in view of Trabbold et al (US 2004/0163724 A1). Since the limitations of claims 15 and 16 are now included in amended independent claim 8 and dependent claims 10, 13 and 14, this rejection will be discussed below.

In consideration of the fact that fiber glass duct liners using formaldehyde-containing binders at higher levels may cause skin irritation and sensitivity, Trabbold et al teach formaldehyde free insulation duct liners where the fibers are bonded together by acrylic binders.

As discussed in connection with the rejection of paragraph 5 of the office action, Gembala fails to teach or suggest the use of odor-reducing agents in an asphalt mixture used to bond a kraft paper facing material to a glass fiber insulation blanket of a building insulation assembly let alone a building insulation assembly wherein the glass fiber insulation blanket is substantially odorless whereby the entire building insulation assembly is substantially odorless. As discussed in connection with the rejection of paragraph 6 of the office action, while Szwarc discloses the use of a fungicide in an asphalt mixture used to coat kraft paper, Szwarc fails to teach or suggest the use of both a fungicide and an odor-reducing agent in an asphalt mixture let alone an asphalt mixture that is used to bond a kraft paper facing material to a substantially odorless glass fiber insulation blanket of a building insulation assembly whereby the entire building insulation assembly is substantially odorless.

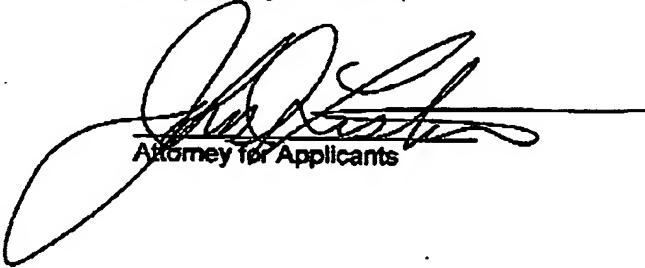
While Trabbold et al teach formaldehyde free insulation duct liners where the fibers are bonded together by acrylic binders, Trabbold et al fail to teach or suggest the use of both a fungicide and an odor-reducing agent in an asphalt mixture that is used to bond a kraft paper facing material to a fiber glass insulation blanket of a building insulation assembly let alone a substantially odorless glass fiber insulation blanket of a building insulation assembly whereby the entire building insulation assembly is

substantially odorless. Thus, Weinstein et al, Gembala, Szwarc, and Trabbold et al when considered alone or together, fail to disclose or suggest the building insulation assembly of claim 8 and the claims depending therefrom.

In view of the amendments to claims 8, 10, 13, and 14 and for the reasons set forth above, the allowance of claims 8, 10, 13 and 14 over Weinstein et al in view of Gembala and further in view of Szwarc or Trabbold et al is solicited.

New claim 23 is dependent on claim 8 and is patentable for the same reasons discussed above in connection with claim 8. In addition, claim 23 defines the kraft paper sheet material of the facing as being a fungi growth-resistant kraft paper sheet material.

Respectfully submitted,



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